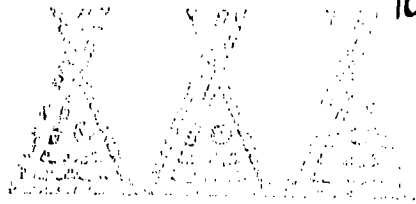


1.1. CONFIDENTIAL) TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Branch of Natural Resources

Phone: 541/553-2002 Fax: 541/553-1994

Warm Springs, Oregon 97131 541 553-1111



June 4, 2002

Wallace Reid
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, M/S ECL-115
Seattle, Washington 98101

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Environmental Cleanup Office

Dear Mr. Reid:

I am following up on earlier conversations that members of my staff have had with EPA regarding our concerns about EPA's management of cultural resources in the Portland Harbor. It is very important to the tribes that federal requirements under the National Historic Preservation Act (NHPA) are complied with. We are convinced that while EPA can delegate tasks to the Oregon Department of Environmental Quality in the upland areas of Portland Harbor, EPA still has the responsibility for compliance with Section 106 requirements under NHPA.

I would like to know the status of EPA's plan to carry out the cultural resources assessment from the confluence upstream to, and including the Willamette Falls area. I would also like to know EPA's answer to the following questions:

1. Does EPA believe the requirements of NHPA apply to the upland areas of the Portland Harbor Site, or just to the "listed" portions? What process and criteria does EPA propose to use to identify the Area of Potential Effect?
2. How does EPA propose to meet it's NHPA responsibilities at the Portland Harbor Site and what steps are being taken to ensure it's obligations are being met? Is EPA relying on the AOC/SOW actions being carried out by the Lower Willamette Group?
3. When and how will EPA carry out its trust responsibility to the affected tribes and initiate government-to-government consultation?

I would appreciate a written response to these questions as soon as possible so we can determine what, if any, other courses of action may be necessary. I believe it is in the best interest of the tribes and EPA to resolve these issues now so we can create a stronger partnership as we move forward at the Portland Harbor Site.

Sincerely,

Robert A. Brunoe
General Manager, Natural Resources

cc: State Historic Preservation Officer
Brian Cunningham, CTWS
Sally Bird, Cultural Resources, CTWS

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